

19880405

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF

TUESDAY, APRIL 5, 1988

AT 9:00 A.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 10:45 a.m. The meeting was recessed by Mayor O'Connor at 1:00 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Deputy Mayor McColl at 2:12 p.m. with Mayor O'Connor and Council Members Roberts, Struiksma, and Henderson not present. Mayor O'Connor adjourned the meeting at 6:47 p.m. to meet in Closed Session at 1:30 p.m., Monday, April 11, 1988, in the twelfth floor conference room for the purpose of a performance evaluation of the City Manager.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member McColl-present
- (4) Council Member Pratt-present
- (5) Council Member Struiksma-present
- (6) Council Member Henderson-excused by R-270576  
(City business in Singapore,Indonesia,Malaysia)
- (7) Council Member McCarty-present
- (8) Council Member Filner-present
- Clerk-Abdelnour (rb,eb )

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member McColl-present
- (4) Council Member Pratt-present
- (5) Council Member Struiksma-present
- (6) Council Member Henderson-not present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

Apr-5-1988

ITEM-310: WELCOMED

Welcoming a group of approximately 28 students from Horton Elementary School, who will attend this meeting accompanied by Peggy Zilberberg, their teacher. This group will arrive at approximately 10:00 a.m.

(District-4.)

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A013-A028.)

ITEM-330:

Five actions relative to the improvement of Project First Class Alley Improvement and Sewer Replacement - Contract No. 3:

(Southeast San Diego Community Area. District-4.)

Subitem-A: (R-88-1589) ADOPTED AS RESOLUTION R-270673

Resolution of Feasibility for the improvement of Project First Class Alley Improvement and Sewer Replacement Contract No. 3, under the provisions of the San Diego Municipal Code and the Improvement Act of 1911.

Subitem-B: (R-88-1590) ADOPTED AS RESOLUTION R-270674

Ordering the work for the improvement of Project First Class Alley Improvement and Sewer Replacement - Contract No. 3, under the provisions of the San Diego Municipal Code and the Improvement Act of 1911.

Subitem-C: (R-88-1591) ADOPTED AS RESOLUTION R-270675

Approving the City Engineer's Report submitted in connection with the improvement of Project First Class Alley Improvement and Sewer Replacement - Contract No. 3.

Subitem-D: (R-88-1592) ADOPTED AS RESOLUTION R-270676

Adopting the plans and specifications for the improvement of Project First Class Alley Improvement and Sewer Replacement - Contract No. 3, under the provisions of the San Diego Municipal Code and the Improvement Act of 1911.

Subitem-E: (R-88-1593) ADOPTED AS RESOLUTION R-270677

Inviting sealed proposals for bids for the improvement of Project First Class Improvement and Sewer Replacement - Contract No. 3, under the provisions of the San Diego

Municipal Code and the Improvement Act of 1911.

CITY MANAGER SUPPORTING INFORMATION: The Project First Class Alley Improvement and Sewer Replacement - Contract No. 3 is the third project in the Project First Class area to be considered by Council under the CDBG - Assessment District cost sharing concept. The cost sharing concept is based on CDBG funds being used to finance 50 percent of the alley improvements regardless of the income or residency status of the benefitting property owners. The remaining 50 percent of the alley improvement cost will be assessed to the benefitting parcels with CDBG funds being utilized to pay the assessments for owner-occupants who meet HUD income guidelines. Property owners who do not qualify may pay the remaining 50 percent over a period of ten years. The proposed improvements to the four alleys included in this contract consist of clearing, grubbing, grading, paving, curb, retaining wall, storm drain and sewer main replacement improvements. There are 97 parcels involved and 48 of them are owner-occupied. All property owners have been notified of the proposed improvements and given information regarding the assessment payment program. The cost of the sewer main replacements will be paid from Water Utility Department sewer annual allocation funds.

FILE LOCATION: STRT D-2272

COUNCIL ACTION: (Tape location: E114-130, H145-471.)

Hearing began 2:21 p.m. and recessed 2:22 p.m.

Hearing resumed 4:29 p.m. and halted 4:50 p.m.

Testimony in opposition by Albert Torres, James Klock, Beverly Torres, and Elizabeth Fawlur.

MOTION BY PRATT TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-331:

- 1) Adoption of the Golden Hill Community Plan. The Golden Hill Community Plan will rescind the 1979 Greater Golden Hill Precise Plan and will become the official community plan of the Golden Hill Community. The Golden Hill Community planning area is generally bounded by Balboa Park and Juniper Street on the north, 32nd Street between Juniper and Hawthorn Streets, then along Marlton Drive to the 34th Street Canyon to Beech Street on the east, State Highway 94 on the south and Interstate 5 on the west. The Golden Hill Community Plan includes goals, objectives and development guidelines for directing the most effective

development of the area consistent with the needs of the community. The plan includes text, diagrams and maps to describe and illustrate the desired development character. When adopted, the land use type and density designation of the plan will serve as the basis for the zoning regulations that are applied to the area;

- 2) Rezoning of various single and multiple family residential areas within the community to preserve the existing development pattern; rezoning of open space sites to R1-40,000 to assist in their preservation as open space; application of the Institutional Overlay Zone (IOZ) to the publicly owned Brooklyn Elementary School site; and application of the Pedestrian Commercial Overlay Zone (PCOZ) to the commercial properties located along 30th Street and Fern Street to implement the recommended land use designations of the Golden Hill Community Plan;
- 3) Amend the Progress Guide and General Plan to reflect changes proposed by the updated Golden Hill Community Plan.
- 4) Introduction and adoption of an Emergency Ordinance limiting issuance of building permits for residential construction, located within the Golden Hill Community Plan area, unless a planned residential development permit or a conditional use permit is first obtained.

This ordinance will be in force for a period one one year from the date of adoption, or until the Golden Hill Planned district Ordinance is expanded and updated, whichever first occurs.

(District-8.)

Subitem-A: (R-88-1636) ADOPTED AS RESOLUTION R-270678

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-86-0825 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-88-136) INTRODUCED AS AMENDED, TO BE  
ADOPTED APRIL 18, 1988

Introduction of an Ordinance for R1-40000, R1-5000, R-3000, R-1500, R-1000, Institutional Overlay and Pedestrian Commercial Overlay Zonings.

Subitem-C: (R-88-1635) ADOPTED AS RESOLUTION R-270679

Adoption of a Resolution approving the Golden Hill Community Plan and rescinding the 1979 Greater Golden Hill Precise Plan, to become effective upon adoption of an amendment to the Progress Guide and General Plan at the next scheduled omnibus hearing.

Subitem-D: (O-88-184 Rev. 1)INTRODUCED AND ADOPTED AS  
ORDINANCE O-17056 (New Series)

Introduction and adoption of an Emergency Ordinance.  
FILE LOCATION:

Subitems A and C LAND Golden Hill Community  
Plan,

Subitem-B --,

Subitem-D ZONE ORD NO.

COUNCIL ACTION: (Tape location: E134-H119.)

Hearing began 2:22 p.m. and halted 4:25 p.m.

Mayor O'Connor entered 2:27 p.m.

Council Member Struiksma entered 2:28 p.m.

Testimony in favor by Deborah Casho, Michael Sterns, Kathy McDonough, Walter McDonough, Steve Settimi, Kathryn Willetts, Richard Morantz, Barry Collins, Ken Baldwin and Dana May.

Testimony in opposition by John Casey, Tom Webb, Don Gullans, Jerry Bryant, Bruce Dammanon, Miriam Starcevic, Max Derezonski, Carl Hoeger, Carlos Legerrette, Dean Gouveia, and Henri Jacot.

The hearing was closed.

MOTION BY FILNER TO ADOPT THE RESOLUTIONS FOR SUBITEMS-A AND C, INTRODUCE THE ORDINANCE FOR SUBITEM-B, AND INTRODUCE, DISPENSE WITH THE READING AND ADOPT THE EMERGENCY ORDINANCE FOR

SUBITEM-D

AND REFER TO TRANSPORTATION AND LAND USE COMMITTEE FOR REVIEW THE MATTER OF NON-CONFORMING SITES AND RECONSTRUCTION PERMITS AND DIRECT THE PLANNING DEPARTMENT TO INITIATE REZONING PROCEDURES FOR THE "L-SHAPED" AREA JUST NORTH OF THE BROOKLYN SCHOOL SITE FROM R-3000 TO R-1-5000. Second by Pratt. Passed

by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-332:

Matters of:

- 1) Approval of a resolution accepting certification of the City's Local Coastal Program by the California Coastal

Commission;

- 2) Initiation of rezonings and/or LCP Land Use Plan Amendments to comply with Coastal Commission suggested modifications;
- 3) Introduction and adoption of the following zoning ordinances and ordinance amendments to Chapter X of the San Diego Municipal Code (Planning and Zoning Regulations) to implement the City of San Diego Local Coastal Program;

#### Sensitive Coastal Resource Zone (SCR)

The Sensitive Coastal Resource Zone is a new ordinance which establishes additional development regulations for the environmentally sensitive areas of the shoreline--primarily areas in proximity to beaches, shoreline coastal bluffs, or wetlands. The principal features of the SCR Zone include:

- a. Limitations on the types of uses permitted in beach areas, shoreline coastal bluffs, and wetland areas.
- b. The establishment of a 100-foot buffer area around all wetlands.
- c. The establishment of a coastal shoreline bluff setback of 40-feet for all principal structures.
- d. Regulations addressing the development of shoreline erosion coastal structures.

#### Floodway Zone (FW)

The proposed amendments to the FW Zone are designed to limit the channelization or other substantial alteration of rivers or streams in the Coastal Zone. In the few circumstances where such alterations are permitted, the ordinance requires that a series of performance standards be met to reduce the transport of stream sediment to downstream wetlands. A primary emphasis is given to the protection of existing riparian vegetation. Additional amendments recommended by the California Coastal Commission would require 50-foot buffer areas around all identified riparian areas.

The Planning Commission will initiate rezonings to the FW Zone in accordance with the adopted LCP Land Use Plans.

#### Floodplain Fringe Zone (FPF)

The proposed amendments to the FPF Zone are designed to regulate the development of permanent structures and/or fill within the floodplain fringe. Such development may only be considered when it is capable of withstanding periodic flooding and where existing environmentally sensitive habitat areas will not be significantly affected. As in the FW Zone, an emphasis is placed on the protection and enhancement of riparian habitat as a condition of development approval. In both the FW and FPF Zones new roadways and roadway expansions are allowed only where indicated or an adopted LCP Land Use Plan. Additional

amendments recommended by the California Coastal Commission would require 50-foot buffer zones around all identified riparian areas.

The Planning Commission will initiate rezonings to the FPF Zone in accordance with the adopted LCP Land Use Plans.

#### Hillside Review Overlay Zone (HR)

The proposed amendments to the HR Zone add specific development regulations applicable only to the Coastal Zone. The principle features of the new regulations are:

- a. A division of the areas in 25 percent or greater slopes into "sensitive" and "nonsensitive" categories with special development requirements for each.
- b. The inclusion of a precise (maximum) encroachment allowance for developments in the "sensitive" slopes.
- c. The requirement for a natural vegetation and enhancement program for development exceeding the encroachment allowance in the "nonsensitive" slopes.

#### Coastal Development Permit Ordinance

The Coastal Development Permit Ordinance is a new ordinance designed to ensure that specific findings of approval required by the Coastal Act of 1976 can be made for all development within the Coastal Zone. Coastal Development Permits involving projects in the SCR, HR, FW, and FPF zones will require a Planning Director public hearing. Projects located outside these sensitive resource areas may be placed on the Planning Commission consent agenda, provided the required findings of fact can be made.

In certain areas of the Coastal Zone (primarily submerged lands, tidelands, and public trust lands) the California Coastal Commission will retain its permit authority and City issued Coastal Development Permits will not be required. Additionally, under specific circumstances set forth in the ordinance, a City issued Coastal Development Permit may be appealed to the California Coastal Commission.

#### Land Development Ordinance

The proposed amendments to the Land Development Ordinance would add specific erosion control measures for the North City LCP Segment areas draining into Los Penasquitos or San Dieguito Lagoons. Among other requirements these erosion control measures establish procedures (in a separate document) governing the grading of land during the November 15 through March 31 rainy season. This document also outlines a monitoring program to ensure the effective operation of required runoff control measures, both individually and cumulatively.

#### Community Commercial Zone (CC) Commercial Visitor Zone (CV)

Neighborhood Commercial Zone (CN) Commercial Office Zone (CO)  
Multiple Family Residential Zones (R) C-1 Zone  
Residential Visitor Zone (RV)

The proposed amendments to the CC, CV, C-1, CO, CN, R and RV zones are designed primarily to incorporate higher parking standards and greater restrictions on curb cuts for development within the Beach Impact Area of the Coastal Zone.

The Planning Commission of the City of San Diego will initiate rezonings to the CC, CV, C-1, CO, CN, R and RV zones in accordance with the adopted LCP Land Use Plans. In areas where the existing zoning already conforms to the certified LCP Land Use Plan, rezoning will not be required.

#### Mission Beach Planned District

The proposed amendments would limit the height of freestanding signs to eight feet.

#### La Jolla Shores Planned District

The proposed amendments would clarify the applicability of the Coastal Zone Hillside Review regulations to the La Jolla Shores Planned District.

#### A-1 Zone

The proposed amendments to the A-1 Zone would add language clarifying that agriculture and agriculturally related uses are appropriate uses for areas designated as open space in an adopted LCP Land Use Plan. The intent of the amendment is to clarify the use of the A-1 Zone as an implementing zone for the LCP Land Use Plan, rather than solely as a holding zone. The A-1 Zone would still retain both functions.

The Planning Commission will initiate rezonings to the A-1 Zone in accordance with the adopted LCP Land Use Plans.

#### Conditional Use Permits

The proposed amendments to the Conditional Use Permit Ordinance are designed to restrict Conditional Use Permits involving permanent structures and/or fill in the Coastal Zone floodplain areas. The restrictions primarily involve areas which are zoned A-1/FPF but in certain instances apply to all A-1 zoned areas within the Coastal Zone. The primary intent of the amendments is to insure that new Conditional Use Permits in the floodplains are compatible with the land use and development intensity limitations established by the A-1 and FPF zones.

#### Subdivision Ordinance

The proposed amendments to the Subdivision Ordinance are designed to ensure that all newly created residential parcels in the steep slope areas of the Coastal Zone, west of I-5, will have a relatively level area (natural slopes below 25 percent gradient) of sufficient buildable size so as to avoid the need



for extensive grading when the parcel is developed.

Additional amendments, recommended by the Coastal commission, would require the application requirements, special regulations, and required findings of the Coastal Development Permit Ordinance, Hillside Review Overlay Zone, Sensitive Coastal Resource Zone, Floodway Zone and Floodplain Fringe Zone, where applicable, to be incorporated into the review of tentative subdivision maps and tentative parcel maps.

#### Off-Street Parking (Division 8)

The proposed amendments to the Off-street Parking Ordinance contain the following:

- a. Regulations governing the use of tandem parking in commercial zones;
- b. The reorganization of existing provisions for Joint Use and Common Parking into a single set of requirements for Shared Parking;
- c. The inclusion of Beach Impact Area parking requirements addressing:
  - 1) Parking requirements for residential uses in commercial zones.
  - 2) Parking location requirements to utilize an abutting alley for vehicular access; and
  - 3) Alley access requirements for all tandem parking.

In a separate but related action the Planning Commission and City Council are in the process of reviewing additional amendments to the Off-street Parking Ordinance, which may necessitate an amendment to the City's Local Coastal Program. (The ordinances have been approved in concept by the Planning Commission and City Council. The ordinances were certified by the Coastal Commission on January 13, 1988.)

Subitem-A: (R-88-1925) ADOPTED AS RESOLUTION R-270680  
Adoption of a Resolution accepting certification of the City's Local Coastal Program by the California Coastal Commission and establishing procedures for the transfer of authority for the issuance of Coastal Development Permits.

Subitem-B: (O-88-161) INTRODUCED, TO BE ADOPTED APRIL 18, 1988  
Introduction of an Ordinance amending the San Diego Municipal Code pertaining to the Sensitive Coastal Resource Zone.

Subitem-C: (O-88-162) INTRODUCED, TO BE ADOPTED APRIL

18, 1988

Introduction of an Ordinance amending the San Diego  
Municipal Code pertaining to Floodway and Floodplain Fringe  
Zones.

Subitem-D: (O-88-163) INTRODUCED, TO BE ADOPTED APRIL  
18, 1988

Introduction of an Ordinance amending the San Diego  
Municipal Code pertaining to A-1 Zone.

Subitem-E: (O-88-164) INTRODUCED, TO BE ADOPTED APRIL  
18, 1988

Introduction of an Ordinance amending the San Diego  
Municipal Code pertaining to Hillside Review Overlay Zone.

Subitem-F: (O-88-165) INTRODUCED, TO BE ADOPTED APRIL  
18, 1988

Introduction of an Ordinance amending the San Diego  
Municipal Code pertaining to Subdivision Regulations.

Subitem-G: (O-88-166) INTRODUCED, TO BE ADOPTED APRIL  
18, 1988

Introduction of an Ordinance amending the San Diego  
Municipal Code pertaining to Coastal Development Permits.

Subitem-H: (O-88-167) INTRODUCED, TO BE ADOPTED APRIL  
18, 1988

Introduction of an Ordinance amending the San Diego  
Municipal Code pertaining to Land Development.

Subitem-I: (O-88-168) INTRODUCED, TO BE ADOPTED APRIL  
18, 1988

Introduction of an Ordinance amending the San Diego  
Municipal Code pertaining to Off-Street Parking.

Subitem-J: (O-88-169) INTRODUCED, TO BE ADOPTED APRIL  
18, 1988

Introduction of an Ordinance amending the San Diego  
Municipal Code pertaining to Recordation of Variances,  
Permits or Entitlements.

Subitem-K: (O-88-170) INTRODUCED, TO BE ADOPTED APRIL  
18, 1988

Introduction of an Ordinance amending the San Diego  
Municipal Code pertaining to Definitions and

Interpretations.

Subitem-L: (O-88-171) INTRODUCED, TO BE ADOPTED APRIL  
18, 1988

Introduction of an Ordinance amending the San Diego  
Municipal Code pertaining to R (Multiple Family  
Residential) Zone.

Subitem-M: (O-88-172) INTRODUCED, TO BE ADOPTED APRIL  
18, 1988

Introduction of an Ordinance amending the San Diego  
Municipal Code pertaining to RV Zone.

Subitem-N: (O-88-173) INTRODUCED, TO BE ADOPTED APRIL  
18, 1988

Introduction of an Ordinance amending the San Diego  
Municipal Code pertaining to CO (Commercial Office) Zone.

Subitem-O: (O-88-174) INTRODUCED, TO BE ADOPTED APRIL  
18, 1988

Introduction of an Ordinance amending the San Diego  
Municipal Code pertaining to CV (Commercial Visitor) Zone.

Subitem-P: (O-88-175) INTRODUCED, TO BE ADOPTED APRIL  
18, 1988

Introduction of an Ordinance amending the San Diego  
Municipal Code pertaining to Community Commercial Zone.

Subitem-Q: (O-88-176) INTRODUCED, TO BE ADOPTED APRIL  
18, 1988

Introduction of an Ordinance amending the San Diego  
Municipal Code pertaining to C-1 Zone.

Subitem-R: (O-88-177) INTRODUCED, TO BE ADOPTED APRIL  
18, 1988

Introduction of an Ordinance amending the San Diego  
Municipal Code pertaining to La Jolla Shores Planned  
District.

Subitem-S: (O-88-178) INTRODUCED, TO BE ADOPTED APRIL  
18, 1988

Introduction of an Ordinance amending the San Diego  
Municipal Code pertaining to Mission Beach Planned District  
Regulations.

Subitem-T: (O-88-179) INTRODUCED, TO BE ADOPTED APRIL  
18, 1988

Introduction of an Ordinance amending the San Diego  
Municipal Code pertaining to Conditional Use Permits.  
FILE LOCATION:

Subitem-A LAND LOCAL COASTAL PROGRAM,

Subitems B through T --.

COUNCIL ACTION: (Tape location: J173-K239.)

Hearing began 5:53 p.m. and halted 6:39 p.m.

Testimony in favor by Opal Trueblood and Deborah Lee.

Testimony in opposition by William Colburn and Roy Collins.

Mayor O'Connor left 6:07 p.m.

Testimony in opposition by Craig Beam.

Mayor O'Connor entered 6:27 p.m.

Motion by Wolfsheimer to introduce the ordinances with the  
findings as set forth in the report of January 11, 1988 and  
certified on January 13, 1988, and to direct the Planning  
Department to initiate appropriate rezonings and plan amendments  
according to the Coastal Commission recommendations. No second.

MOTION BY WOLFSHEIMER TO ADOPT THE RESOLUTION FOR SUBITEM-A AND  
INTRODUCE THE IMPLEMENTING ORDINANCES FOR SUBITEMS B THROUGH T  
AND DIRECT THE PLANNING DEPARTMENT TO LOOK AT THE FOLLOWING TWO  
SITES IN OCEAN BEACH: 1) THE SOUTH SIDE OF NIAGRA AND 2) THE  
AREA BOUNDED BY EBERS, FROUDE, CORONADO AND ORCHARD, AND TO  
INITIATE RECOMMENDED PLAN AMENDMENTS AND REZONING, AND DIRECT  
THE PLANNING DEPARTMENT TO MEET WITH WESTERN SALT COMPANY AND  
THE JURISDICTIONS OF IMPERIAL BEACH AND CHULA VISTA TO DISCUSS  
CONCERNS AND ALTERNATIVES PRIOR TO THE HEARINGS FOR REZONING.

Second by Roberts. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea,  
Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea,  
Mayor O'Connor-yea.

ITEM-333:

Rezoning approximately 1,507-acres (the Sabre Springs  
Community), bounded by the Carmel Mountain Ranch Community  
to the north, I-15 to the west, the Miramar Ranch North  
Community to the south, an "island" of the County of San  
Diego to the southeast and the City of Poway to the east,  
into Zones R-1000, R-1500, R-3000, R1-5000 and R1-5000  
Mobile Home Park Overlay. This action would replace  
Map C-675.4 with C-675.6 to conform to the rezoning

implementation plan (referred to as the Sabre Springs Rezone Consistency) which is an element of the Sabre Springs Community Comprehensive Plan Amendment, adopted by the City Council on September 29, 1987.  
(Case-87-1030. District-1.)

19880405

Subitem-A: (R-88-1876) ADOPTED AS RESOLUTION R-270681

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-86-0876, Addendum to Environmental Impact Report EIR-81-0543, as amended, has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council.

Subitem-B: (O-88-133 Rev.1) INTRODUCED, TO BE ADOPTED  
APRIL 18, 1988

Introduction of an Ordinance for R-1000, R-1500, R-3000, R1-5000 and R1-5000 (MHPO).

Subitem-C: (R-88-2163) ADOPTED AS RESOLUTION R-270682

Adoption of a Resolution containing appropriate findings of mitigation, feasibility or project alternatives pursuant to California Public Resources Code Section 21081 in connection with Environmental Impact Report EIR-86-0876.

FILE LOCATION:

Subitems A and C ZONE Ord No.

COUNCIL ACTION: (Tape location: E018-092.)

Hearing began 2:13 p.m. and halted 2:19 p.m.

MOTION BY WOLFSHEIMER TO ADOPT SUBITEMS A AND C AND INTRODUCE THE ORDINANCE FOR SUBITEM-B. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, McColl-yea, Pratt-yea, Struiksma-not present, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-334:

Appeal of Arthur Burton, from the decision of the Planning Commission in granting Conditional Use Permit CUP-87-0275, proposing the development of a church with related facilities (including a day care facility for children) and a height variance to allow a building height of 40 feet

where a 30 foot maximum is allowed. The subject property (approximately 4.396-acres) is located west of the intersection of Carmel Mountain Road and Stoney Creek Road and is further described as Lot 1, Penasquitos Heights, Map-9250, in Zone R1-5000 (HR), in the Penasquitos East Community Plan area.  
(CUP-87-0275. District-1.)

19880405

Subitem-A: (R-88-2161) ADOPTED AS RESOLUTION R-270683

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-87-0275 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-88-2162) DENIED APPEAL, GRANTED PERMIT  
ADOPTED AS RESOLUTION R-270684

Adoption of a Resolution granting the appeal and denying the permit or denying the appeal and granting the permit with appropriate findings to support Council action.

FILE LOCATION: PERM CUP-87-0275

COUNCIL ACTION: (Tape location: H483-J166.)

Hearing began 4:51 p.m. and halted 5:52 p.m.

Testimony in favor by Jim Wheat, Sandra Roberts, and Tom Skyro.

Testimony in opposition by Joe Rhodes, and Jon Newland.

The hearing was closed.

MOTION BY WOLFSHEIMER TO DENY THE APPEAL AND GRANT THE CUP AND DIRECT THE CITY MANAGER TO REPORT BACK TO COUNCIL IN TWO WEEKS WITH A POSSIBLE SOLUTION REGARDING THE INSTALLATION OF THE TRAFFIC LIGHT. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-335: CONTINUED TO APRIL 12, 1988

(Continued from the meeting of February 4, 1988, Item 607, at Council Member Struiksma's request, to allow the Mira Mesa Planning Group time to review.)

MIRA MESA COMMUNITY

Matters of the following variance requests from the Interim

Development Ordinance (IDO):

- a) A variance request from the Interim Development Ordinance (IDO) to construct a 277 unit project (includes proposed units and any existing units). The subject property is located on the west side of Camino Ruiz between Los Sabalos and Penasquitos Canyon and is described as portions of Sections 24, 25 and 26, Township 14 South, Range 3 West, SBBM. The R1-5000 zoned site is within the Mira Mesa Community Plan area.  
(Case-87-2101 (Non-accelerated) (District-5.))
- b) A variance request from the Interim Development Ordinance (IDO) to construct a 579 unit project. The subject property is located west of Montongo Street, north of Mira Mesa Boulevard and is described as Sections 26 and 35, Township 14 South, Range 3 West, SBBM and Canyon Country Map Nos. 10581, 10786, 10316, 10976 and 10967. The A1-10 and R1-5000 zoned site is within the Mira Mesa Community Plan area.  
(Case-87-4012 (Non-accelerated) (District-5.))

Subitem-A: (R-88- )

Adoption of a Resolution granting or denying the variance request for Case-87-2101 with appropriate findings to support Council action.

Subitem-B: (R-88- )

Adoption of a Resolution granting or denying the variance request for Case-87-4012 with appropriate findings to support Council action.

FILE LOCATION:

Subitem-A ZONE IDO Variance Case-87-2101,

Subitem-B ZONE IDO Variance Case-87-4012

COUNCIL ACTION: (Tape location: H146-154.)

MOTION BY STRUIKSMA TO CONTINUE TO APRIL 12, 1988, 2:00 P.M. AT JOHN BARONE'S REQUEST DUE TO LACK OF TIME. Second by McColl.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-336: (O-88-152) INTRODUCED AND ADOPTED AS ORDINANCE  
O-17057 (New Series)

Introduction and adoption of an Ordinance amending

Ordinance O-16916 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1987-88 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year" by amending Document No. 00-16916-1, as amended and adopted therein, by transferring the amount of \$182,575 from the Industrial Development Revenue Bond Administrative Expense Fund to the Mid-City Facade Improvement Rebate Program (in the amount of \$88,575) and the Ocean Beach Commercial Revitalization Rebate Program (in the amount of \$94,000); transferring the amount of \$88,575 from the Mid-City Facade Improvement Rebate Program to the Enterprise Zone Developer Fee Reimbursement Program; transferring the amount of \$94,000 from the Ocean Beach Commercial Revitalization Rebate Program to the Enterprise Zone Developer Fee Reimbursement Program; authorizing the expenditure of funds so allocated. (Ocean Beach, Mid-City, Barrio Logan, Southeast San Diego and Centre City Community Areas. Districts-2, 3, 4 and 8.)

CITY MANAGER SUPPORTING INFORMATION: In previous actions, the City Council has allocated Community Development Block Grant (CDBG) Funds for the Mid-City Facade Improvement Rebate Program, the Ocean Beach Commercial Revitalization Rebate Program, and the Enterprise Zone Developer Fee Reimbursement Program. Each of these programs reimburse certain costs for improving program area properties, as incentives for private investment. Subsequent to Council allocations, the City was advised that use of CDBG funds for these purposes would impose administrative burdens on the business and property owners for whom the programs were designed. In most cases, the costs imposed by these administrative requirements exceeded the financial incentives. For the Enterprise Zone, alternative financing in the form of the Industrial Development Revenue Bond Administrative Expense Fund was allocated by the Council, with the CDBG allocation returned to contingencies. For Mid-City, the original 1984 CDBG allocation was switched with a CDBG-eligible capital improvement program financed by sales tax money. That allocation is almost expended. For both Mid-City and Ocean Beach, the 1987 CDBG allocations remain to be authorized for expenditure. In August 1987 the U.S. Department of Justice issued new rulings on the applicability of administrative requirements associated with CDBG funds. The City sought a letter opinion on how the new ruling affects the Mid-City, Ocean Beach, and Enterprise Zone Programs. Under the new ruling, the Enterprise Zone Fee Reimbursement program can be financed by CDBG funds without imposing administrative burdens,



but the two Improvement Rebate programs are not exempted from the requirements. Consequently, it is recommended that the CDBG funds previously allocated but unused for the Mid-City and Ocean Beach program be transferred for use by the Enterprise Zone, and a like amount of Industrial Development Bond Fund now financing the Enterprise Zone be transferred into the Mid-City and Ocean Beach Rebate programs.

Aud. Cert. 8800780.

NOTE: The first public hearing of this Ordinance was held on Monday, April 4, 1988, Item 212. Today's action is the second public hearing for the introduction and adoption of the Ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E092-100.)

MOTION BY McCARTY TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT. Second by Filner. Passed by the following vote:  
Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea,  
Struiksma-not present, Henderson-not present, McCarty-yea,  
Filner-yea, Mayor O'Connor-not present.

ITEM-337: (O-88-157) INTRODUCED AND ADOPTED AS ORDINANCE  
O-17058 (New Series)

Introduction and adoption of an Ordinance amending Ordinance O-16916 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1987-88 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year" by amending Document No. 00-16916-1, as amended, by increasing the Capital Improvement Program, CIP-35-060.0, entitled "Scripps Miramar Ranch Branch Library," by transferring \$186,000 from the Scripps Miramar Ranch Public Facilities Impact Fee Fund Number 39058 to CIP-35-060.0.

(Scripps Miramar Ranch Community Area. District-5.)

NOTE: The first public hearing of this Ordinance was held on Monday, April 4, 1988, Item 211. Today's action is the second public hearing for the introduction and adoption of the Ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E100-107.)

MOTION BY McCARTY TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT. Second by Filner. Passed by the following vote:  
Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea,  
Struiksma-not present, Henderson-not present, McCarty-yea,  
Filner-yea, Mayor O'Connor-not present.

ITEM-S500:  
Matters of:

Subitem-A:                   HEARING HELD  
Brief history of the efforts of other West Coast jurisdictions in complying with the 1972 Clean Water Act. Among the jurisdictions to be discussed by City staff will be the Los Angeles City and County, San Francisco and Seattle cases.

Subitem-B:                   HEARING HELD  
Review by the recently employed City Project Management firm James M. Montgomery of the report prepared by this firm titled "Early Alternative Analysis for the San Diego Waste Water Program". This consultant study was authorized by the City to provide foundation information on the schedule for the system alternatives.

Subitem-C:                   HEARING HELD  
Opportunity for representatives of the Environmental Protection Agency, Water Resources Control Board and the Regional Water Quality Control Board to offer comments on the Metropolitan System and border sewage issues.

FILE LOCATION:   MEET

COUNCIL ACTION:   (Tape location: A029-D095.)

Hearing began at 10:50 a.m. and halted at 1:00 p.m.

Testimony by Mr. Harry Seraydarian, Environmental Protection Agency; Mr. Edwin Finster, State Water Resources Control Board; Mr. Narendra N. Gunaji, U.S. Commissioner, International Boundary and Water Commission; Mr. Miles Harvey, Chairman of the Metropolitan Sewer Task Force; and Patricia Tennyson, Intergovernmental Relations Department Director.

MOTION BY ROBERTS TO DIRECT THE CITY'S CONGRESSIONAL DELEGATION TO GET THE APPROXIMATELY \$12 MILLION APPROPRIATION THAT IS NEEDED IN REGARDS TO "BIG PIPE" CAPACITY. Second by Filner.

Passed by the following vote: Wolfsheimer-not present, Roberts-yea, McColl-not present, Pratt-not present, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-CS-1: (R-88-1994)   ADOPTED AS RESOLUTION R-270685

A Resolution adopted by the City Council in Closed Session on April 5, 1988:

The City Manager is authorized and empowered to pay the sum of \$31,000.00 in the settlement of claims, Superior Court Case No. 586971, Intertect Construction Company v. City of San Diego, et al. The City Auditor and Comptroller is authorized to issue one check to Intertect Construction Company and its attorneys Hillyer & Irwin, in the amount of \$31,000.00 in full settlement of all claims.

FILE LOCATION: MEET

ITEM-CS-2: (R-88-1986) ADOPTED AS RESOLUTION R-270686

A Resolution adopted by the City Council in Closed Session on April 5, 1988:

The City Manager is authorized to pay the sum of \$30,831.86 in the settlement of claims against the City of San Diego resulting from property damage to residence of Michael Morris. The City Auditor and Comptroller is authorized to issue one check payable to Luth & Turley, Inc. in full settlement of all claims.

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

PUBLIC COMMENT:

ITEM-PC-2:

Muhammad Abdullah commenting on police misconduct.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: K230-269.)

ITEM-PC-3:

Comments by Rose Lynne.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: K267-290.)

ITEM-PC-4:

Council Member Roberts commending Ron Smith, Planning Department.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: K290-309.)

ADJOURNMENT:

The meeting was adjourned by Mayor O'Connor at 6:47 p.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: K310).